

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE. NWC Reisterstown *
Road and Slade Avenue * ZONING COMMISSIONER
600 Reisterstown Road *
3rd Election District * OF BALTIMORE COUNTY
2nd Councilmanic District *
Pikesville Plaza Bldg., Legal * Case No. 97-215-XA
Owner *
AT&T Wireless Services, Inc. Lessee *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions seeking relief in the alternative. Specifically, a Petition for Special Exception has been filed, seeking approval for a wireless transmitting and receiving facility, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (BCZR), and to amend the prior zoning plans and Orders as is necessary. Also requested is a Petition for Variance, to permit a setback of 75 ft. from an R.O. zone for a roof mounted wireless transmitting and receiving facility in lieu of the required 200 ft. The subject Petitions are filed by Pikesville Plaza Building Company, property owner and AT&T Wireless Services, Inc., Lessee. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variance.

Appearing at the public hearing held for this case was John M. Andrews, Jr., Agent, on behalf of AT&T Wireless Services, Inc. The Petitioner was represented by J. Joseph Curran III, Esquire. There were no Protestants or other interested persons present.

The subject property is located on the northwest corner of the intersection of Reisterstown Road and Milford Mill Road. The property is .93 acres in area, zoned B.L.-C.S.1. The property is improved with a retail/office complex, known as the Pikesville Plaza. The existing building on the site is 7 stories in height.

ORDER RECEIVED FOR FILMS

Date

by

MICROFILMED

The co-Petitioner, AT&T Wireless Services, Inc., proposes to install a wireless transmitting receiving facility on the roof of the building. The Zoning Commissioner is familiar with the proposed equipment to be installed by virtue of numerous similar cases which have been considered. As is well known, AT&T Wireless Services, Inc., is in the business of providing mobile and wireless communication. The company provides car phone, mobile phone and wireless fax and information transmission services to the public. As is the case with many of the providers of this service (e.g., Cellular One, Bell Atlantic, etc.) the Petitioner is installing a communications network in Baltimore County. The subject location will serve as another link in that network.

As shown on the site plan, the Petitioner will install nine panel antennas on the roof of the building. Also, a small 12 x 20 ft. pad will be installed to house radio equipment cabinets atop the building. The facility will be unmanned and will provide communication coverage throughout the Pikesville area.

It is to be noted that similar antennas are already on site. As noted on the plan, variance relief was granted in case No. 95-296-A to permit antennas and related equipment for a competing carrier.

It is clear that the proposed use is altogether appropriate and proper at this locale. In this regard, there is no evidence that the installation of the equipment will be detrimental to the health, safety or general welfare of the locale. The sole question is a technical one, whether the Petitioner needs variance relief, special exception relief, or both in order to proceed with its plans.

In this regard, it is of note that Section 426 of the BCZR regulates wireless transmitting and receiving facilities. Section 426.2 of the BCZR allows such facilities as of right in business zones, including the BL-CS-1

classification at the subject property. However, Section 426.1.B provides a minimum setback from any boundary of a residential or R.O. zone of 200 ft. In this case, a 75 ft. setback can be maintained. Section 230.13 of the BCZR identifies special exceptions in the B.L. zone. Specifically included are wireless transmitting and receiving facilities not permitted by Section 426.

In my judgment, the proper relief here would fall under the Petition for Special Exception. The language in Section 230.13 is persuasive that special exception relief is required if the Petitioner cannot act, by right, under the provisions of Section 426.1. Since the Petitioner cannot comply with the setback regulations mandated in Section 426 of the BCZR, the facility is not permitted by right and must be approved only by special exception. Thus, I will grant the Petition for Special Exception and dismiss the Petition for Variance as moot.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

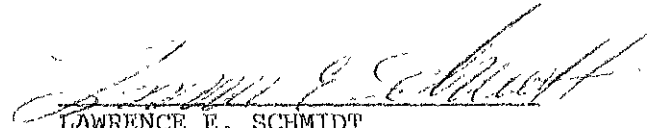
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of December, 1996 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility from Section 230.13 of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to permit a setback of 75 ft. from an R.O. zone for a roof mounted wireless transmitting and receiving facility, in lieu of the required 200 ft., be and is hereby DISMISSED AS MOOT, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for

returning, said property to its original condition.

LES:mmn



LAWRENCE E. SCHMITT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING
DATE 12/20/96
BY [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 18, 1996

J. Joseph Curran III, Esquire
600 Mercantile Bank and Trust Building
Two Hopkins Plaza
Baltimore, Maryland 21201

RE: Petitions for Special Exception and Variance
Case No. 97-215-XA
Property: 600 Reisterstown Road

Dear Mr. Curran:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception has been granted, and the Petition for Variance has been dismissed as moot, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. John M. Andrews, Jr., Agent
AT&T Wireless Services, Inc.
Broadcast Tower Sites
4340 East West Highway
Bethesda, Maryland 20814

MICROFILMED



215



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 600 Reisterstown Road, Pikesville
which is presently zoned BL-CS-1

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A Wireless Transmitting and Receiving Facility pursuant to 230.13
in the alternative, the undersigned seek a variance. *And to amend
the prior zoning plans & orders as necessary.* S/R

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

AT&T Wireless Services, Inc.
by: John M. Andrews, Jr., Agent

(Type or Print Name)

Signature

8403 Colesville Road

Address

Silver Spring, Maryland

City

State

Zipcode

Attorney for Petitioner:

S. Leonard Rottman, Esquire
Adelberg, Rudow, Dorf, Hendler & Sameth

(Type or Print Name)

Signature

600 Mercantile Bank & Trust Building

Two Hopkins Plaza 539-5195

Address

Phone No

Baltimore, Maryland 21201

City

State

Zipcode

Legal Owner(s):

Pikesville Plaza Building Co.

by: Deborah S. Torre, Agent; Property Manager

(Type or Print Name)

Signature

Deborah S. Torre, Agent

(Type or Print Name)

Signature

Pikesville Plaza Building Co.

c/o Holabird Management Company

Address

6610 Holabird Avenue

Phone No

Baltimore, Maryland 21224

633-2262

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

John M. Andrews, Jr.

Broadcast Tower Sites

Name

4340 East West Highway

(301) 652-1496

Bethesda, Maryland 20814

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

1/14/96



UNRECORDED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 600 Reisterstown Road, Pikesville

which is presently zoned

BL-CS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

To permit a setback of seventy five (75) feet from an R-0 zone for a roof mounted wireless transmitting and receiving facility in lieu of the required ^{Hundred} two (200) feet of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

At&T Wireless Services, Inc.

by: John M. Andrews, Jr., Agent

(Type or Print Name)

Signature

8403 Colesville Road

Address

Silver Spring, Maryland 20910

City

State

Zipcode

Attorney for Petitioner:

S. Leonard Rottman, Esquire

(Type or Print Name) ~~Anthony G. Rudow, Dorf, Hendler & Sameth~~

Signature

600 Mercantile Bank & Trust Building
Two Hopkins Plaza 539-5195

Address

Phone No.

Baltimore, Maryland 21201

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Pikesville Plaza Building Co.

by: Deborah S. Torre, Agent; Property Manager

(Type or Print Name)

Signature

Deborah S. Torre, Agent

(Type or Print Name)

Signature

Pikesville Plaza Building Co.

c/o Holabird Management Company

Address

Phone No

6610 Holabird Avenue

Baltimore, Maryland 21224

633-2262

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

John M. Andrews, Jr.

Broadcast Tower Sites

Name

4340 East West Highway

(301) 652-1496

Address

Bethesda, Maryland 20814

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

11/14/96



Printed with Soybean Ink
on Recycled Paper

Zoning Administration

Seal of Baltimore County

215

Description

To Accompany Petition for Special Exception

0.93 Acre Parcel

Pikesville Plaza Building Company Property

Southwest Side of Reisterstown Road, Northwest of Slade Avenue

Second Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Folston, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the point formed by the intersection of the southwest side of Reisterstown Road with the northwest side of Slade Avenue at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Reisterstown Road with the centerline of Irving Place (1) Southeasterly along said centerline of Reisterstown Road 220 feet, more or less, and thence (2) Southwesterly 32 feet, more or less, to the point of beginning, thence leaving said point of beginning and running and binding on the northwest side of Slade Avenue (1) South 54 degrees 14 minutes 40 seconds West 245.00 feet, thence leaving Slade Avenue and running the three following courses and distances, viz: (2) North 37 degrees 22 minutes 30 seconds West 84.69 feet, thence (3) North 53 degrees 59 minutes 50 seconds East 20.00 feet, and thence (4) North 37 degrees 18 minutes 50 seconds West 107.11 feet to the southeast side of Irving Place, thence running and binding thereon (5) North 52 degrees 41 minutes 10 seconds East 45.00 feet, thence leaving Irving Place and running the three following courses and distances, viz: (6) South 37 degrees 18 minutes 50 seconds East 108.14 feet, thence (7) North 53 degrees 59 minutes 50 seconds East 45.01 feet, and thence (8) North 37 degrees 18 minutes 50 seconds West 109.17 feet to the aforesaid southeast side of Irving Place, thence running and

binding thereon (9) North 52 degrees 41 minutes 10 seconds East 134.75 feet to intersect the aforesaid southwest side of Reisterstown Road, thence running and binding thereon (10) South 37 degrees 18 minutes 50 seconds East 198.00 feet to the point of beginning; containing 0.93 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

November 1, 1996

Project No. 96085.03



MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

12218

DATE

11/11/76

ACCOUNT

20016130

AMOUNT \$

550.00

RECEIVED

FROM:

1. 20016130

FOR:

1. 20016130

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein at Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 116, Old Courthouse, 403 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #97-215-XA

(Item 215)

600 Reisterstown Road

NWC Reisterstown Road and

State Avenue

3rd Election District

2nd Courthouse

Legal Owner(s):

Pikesville Plaza Building

Company

Contract Purchaser(s):

AT&T Wireless Services, Inc.

Special Exception: for a wireless transmitting and receiving facility, in the alternative, a variance and to amend the prior zoning plans and orders as necessary. Variance: to permit a setback of 75 feet from an R-O zone for a roof mounted wireless transmitting and receiving facility in lieu of the required 200 feet.
Hearing: Tuesday, December 17, 1996 at 9:00 a.m. in Room 116, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are handicapped accessible for special accommodation.
Please Call 887-3353.
(2) For information concerning the file and/or hearing please call 887-3391.

11/29/96 Nov. 28

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov 29, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 27, 1996

THE JEFFERSONIAN,

A. H. Smith
LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 215

Petitioner: P. Keruville Plaza Building Co.

Location: 600 Reisterstown Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: S. Leonard ROTHMAN

ADDRESS: Suite 600 Mercantile Building
2 Hopkins Plaza, Balto Md 21201

PHONE NUMBER: 539-5195

AJ:ggs

(Revised 09/24/96)

10/10/96 11:33 AM



Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than 11/24/96.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR:
A WIRELESS TRANSMITTING AND RELIEVING FACILITY ~~PERMIT~~ AND
TO AMEND THE PRIOR ZONING PLANS AND ORDERS AS NECESSARY, IN THE
ALTERNATIVE A VARIANCE TO PERMIT A SETBACK OF 75 FT. FROM AN R.O.
ZONE FOR A ROOF MOUNTED WIRELESS ~~TRANSMITTING~~ TRANSMITTING AND RELIEVING FACILITY
IN LIEU OF THE REQUIRED 200 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUMENT PUBLISHING COMPANY
November 28, 1996 Issue - Jeffersonian

Please forward billing to:

S. Leonard Rottman, Esq.
Adelberg, Rudow, Dorf, Hendler & Sameth
600 Mercantile Bank & Trust Building
Two Hopkins Plaza
Baltimore, MD 21201
539-5195

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-215-XA (Item 215)
600 Reisterstown Road
NWC Reisterstown Road and Slade Avenue
3rd Election District - 2nd Councilmanic
Legal Owner(s): Pikesville Plaza Building Company
Contract Purchaser: AT&T Wireless Services, Inc.

Special Exception for a wireless transmitting and receiving facility; in the alternative, a variance; and to amend the prior zoning plans and orders as necessary.
Variance to permit a setback of 75 feet from an R-O zone for a roof mounted wireless transmitting and receiving facility in lieu of the required 200 feet.

HEARING: TUESDAY, DECEMBER 17, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 21, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-215-XA (Item 215)
600 Reisterstown Road
NWC Reisterstown Road and Slade Avenue
3rd Election District - 2nd Councilmanic
Legal Owner(s): Pikesville Plaza Building Company
Contract Purchaser: AT&T Wireless Services, Inc.

Special Exception for a wireless transmitting and receiving facility; in the alternative, a variance; and to amend the prior zoning plans and orders as necessary.
Variance to permit a setback of 75 feet from an R-O zone for a roof mounted wireless transmitting and receiving facility in lieu of the required 200 feet.

HEARING: TUESDAY, DECEMBER 17, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Pikesville Plaza Building Company, c/o Holabird Management Company
AT&T Wireless Services, Inc.
S. Leonard Rottman, Esq.
John M. Andrews, Jr./Broadcast Tower Sites

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 2, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 10, 1996

S. Leonard Rottman, Esquire
Adelberg, Rudow, Dorf, Hendler & Sameth
600 Mercantile Bank & Trust Building
Two Hopkins Plaza
Baltimore, MD 21201

RE: Item No.: 215
Case No.: 97-215-A
Petitioner: Deborah S. Torre, Agent

Dear Mr. Rottman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 14, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



Printed with Soybean Ink
on Recycled Paper

The Office of Planning has no comments on the following petition(s):

Item Nos. 201, 205, 213, 214, (215), 216, and 217

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Division Chief:

PK/JL

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: November 21, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 201, 205, 213, 214, (215), 216, and 217

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Erin Kerns

PK/JL



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 11-26-96
Item No. 215 (JLL)

Dear Ms. Eubanks:

We have reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,

P. J. Gredlein
for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

MICROFILMED

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/26/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF NOV. 25, 1996.

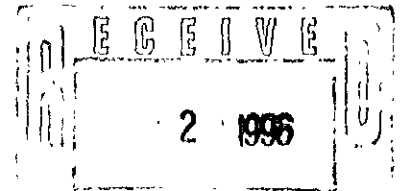
Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 213, 214, 215, 216, 217,
218 and 219.



REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



NOV 29 1996

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Nov. 26, 96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Nov. 25, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

212

214

(215)

217

RBS:sp

BRUCE2/DEPRM/TXTSBP

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 5, 1996

FROM: *RWB* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for December 2, 1996
 Item Nos. 212, 213, 214, (215), 216,
 217, 218

 The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

B044.1

IN RE: PETITION FOR ZONING VARIANCE
SW/S Reisterstown Rd. & NW/S
of Slade Avenue
600 Reisterstown Rod
3rd Election District
2nd Councilmanic District
Frank Scarfield Sr., et al
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-296-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance for the property located at 600 Reisterstown Road in the Pikesville area of Baltimore County. The Petition is filed by Frank Scarfield, Sr., on behalf of Pikesville Plaza Building Company, property owner, and Margaret C. Ruggieri, Esquire on behalf of American PCS, L.P., (hereinafter known as APC) Lessee. Variance relief is requested from Section 426.1.B of the Baltimore County Zoning Regulations (BCZR) to permit a setback of 95 ft. from an R.O. zone for a roof mounted wireless transmitting and receiving facility in lieu of the required 200 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the site plan.

This matter came in for public hearing with a companion case, case No. 95-298X. As was the situation in that matter, the subject Petition involves a wireless transmitting facility for the business known as APC. APC is a new entrant in the field of cellular communications in the Baltimore Metropolitan area. The company specializes in communications of all types, not just wireless telephone, and includes fax transmission and similar information systems.

The Petitioners propose installing 6 panel antennas to the existing penthouse structure on top of the Pikesville Plaza Office Building. The office building is located on Reisterstown Road near that road's intersec-

ORDER RECEIVED FOR FILING

Date

By

3/26/91
M. G. G. G.

MICROFILMED

MICROFILMED

tion with Milford Mill Road and Slade Avenue in Pikesville. In addition to the installation of the panel antennas, the Petitioners will also install two equipment cabinets to serve the antennas.

Appearing at the requisite public hearing held for this case was Christine K. McSherry, Esquire who represented the Petitioners. Appearing on behalf of APC was Margaret C. Ruggieri, Esquire. A number of other expert witnesses appeared and were prepared to present testimony on behalf of the Petition. There were no Protestants or other interested persons present.

The uncontradicted proffered testimony presented was that the proposed panel antennas are necessary to complete the cell system for the Pikesville area. As is well known to this Zoning Commissioner, the cellular communication industry relies on a series of interlocking grids and cells to provide uninterrupted communications to its customers. Cells are comprised of a given geographic area and it is necessary to install antennas and related equipment to serve a particular cell. Testimony on behalf of the Petitioners was that the subject antennas were necessary at the subject property to serve the Pikesville area. The subject building was proposed for installation of the antennas because of its height and location within the cell.

The Zoning Commissioner's consideration of a zoning variance is governed by Section 307 of the BCZR. Therein, it is provided that the Petitioners must establish that a practical difficulty would be suffered if the requested relief were denied. Moreover, the Petitioners must show that the grant of the variance is consistent with the spirit and intent of the BCZR and will not detrimentally affect the surrounding locale.

As to the practical difficulty test, the Petitioners' proffered testimony was that its business requires the installation of the described anten-

COPIES OF THIS DOCUMENT
FILED
DATE 3/26/95
BY M. J. Drake

nas within the Pikesville area in order to accomplish the mission mandated by the FCC and provide the required levels of service. It was noted that there are few, if any, locations within the Pikesville area in which the 200 ft. setback could be maintained. Moreover, the subject building is one of the few high rise buildings in the vicinity. The Petitioners argued that the installation of the antennas to the building is much less obtrusive to the community than the construction of a tower. Thus, the Petitioners believe that they would suffer practical difficulty if the subject site could not be utilized for their wireless communication antennas.

The Petitioners further argue that a grant of the relief is consistent with the BCZR. The BCZR does, indeed, provide that construction of wireless transmission equipment towers is to be discouraged when high rise buildings are available. Thus, it is clear that the proposed Petition and use of the subject building is preferable and entirely consistent with the BCZR.

As to the potential effect on the surrounding locale, the uncontradicted testimony of the Petitioners' experts was that a grant of the variance will not adversely affect the community. The testimony proffered was that the proposed use does not adversely affect other forms of communication nor present any health hazard to the community.

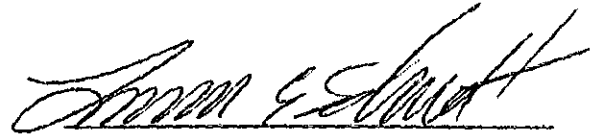
Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded that the Petitioners have satisfied its burden at law. Thus, the Petition for Variance should and must be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 30th day of March, 1995 that a variance from Section 426.1.B of

the Baltimore County Zoning Regulations (BCZR) to permit a setback of 95 ft. from an R.O. zone for a roof mounted wireless transmitting and receiving facility, in lieu of the required 200 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

FOR FILING
3/30/95
M. Wood

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
600 Reisterstown Road, NWC Reisterstown * ZONING COMMISSIONER
Road and Slade Avenue *
3rd Election District, 2nd Councilmanic * OF BALTIMORE COUNTY

Legal Owner(s): Pikesville Plaza Building Co. CASE NO. 97-215-XA
Contract Purchaser: AT&T Wireless Services, Inc.
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16TH day of December, 1996, a copy of the foregoing Entry of Appearance was mailed to S. Leonard Rottman, Esq., Adelberg, Rudow, Dorf, 2 Hopkins Plaza, Suite 600, Baltimore, MD 21201, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

J. JOSEPH CURRAN III

600 MERCANTILE BANK Bldg.
2 Hopkins Plaza
Baltimore, MD 21201

John Andrews

4340 EAST WEST HWY #1000
Bethesda, MD 20814



Environmental Impact Statement

AT&T Wireless Services, Inc. Pikesville Plaza Site

B044.2

November 1996

Project No. 96085.03

Prepared for:

AT&T Wireless Services, Inc.

8403 Colesville Road, 10th Floor

Silver Spring, MD 20910



Max Kantzer
11/27/96

The proposed facility...
distribution...
operation but will...

PROJECT LOCATION

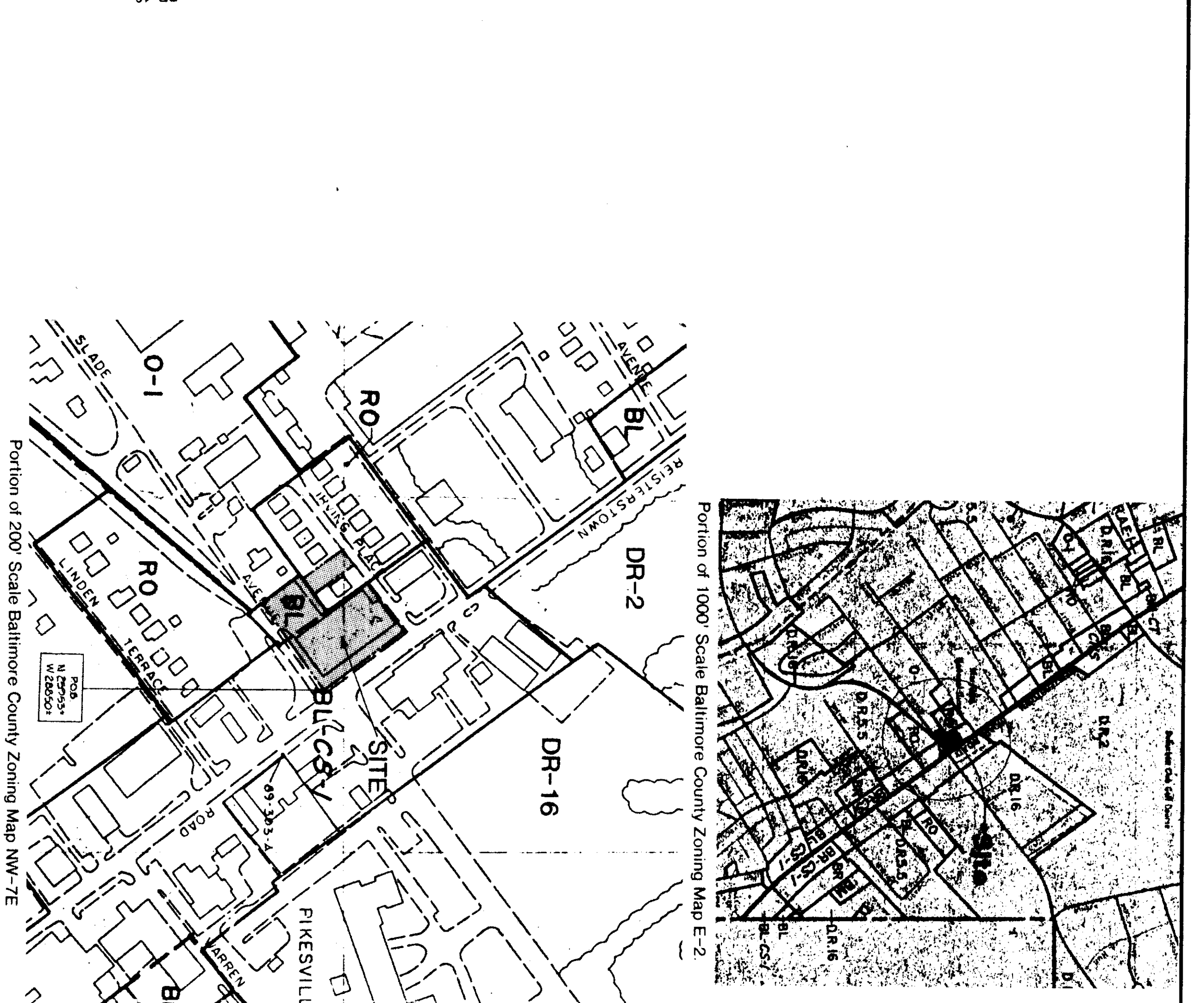
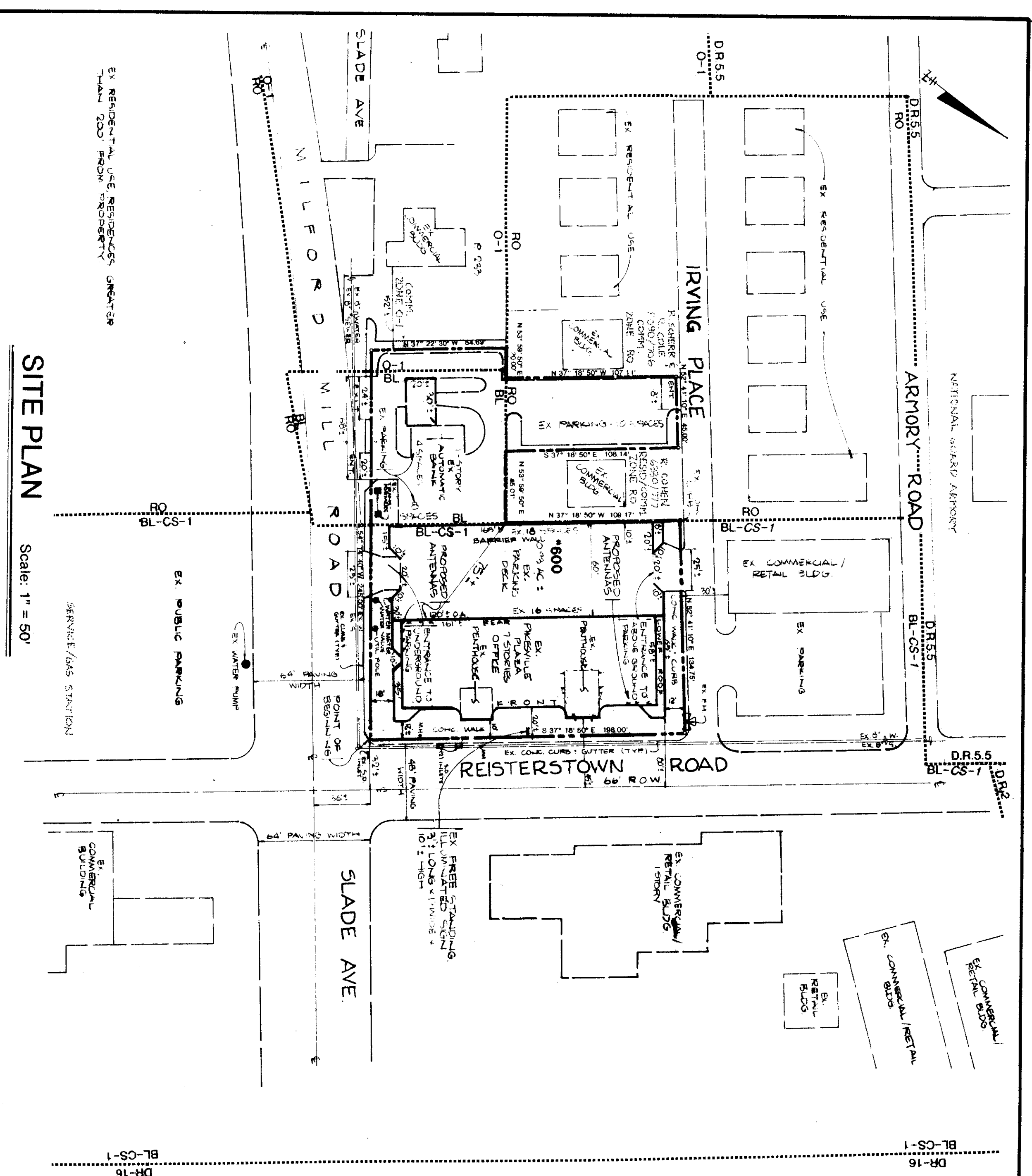
Site Clearing...
Structure and...

Prepared by:

Daft McCune Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286

MICROFILMED

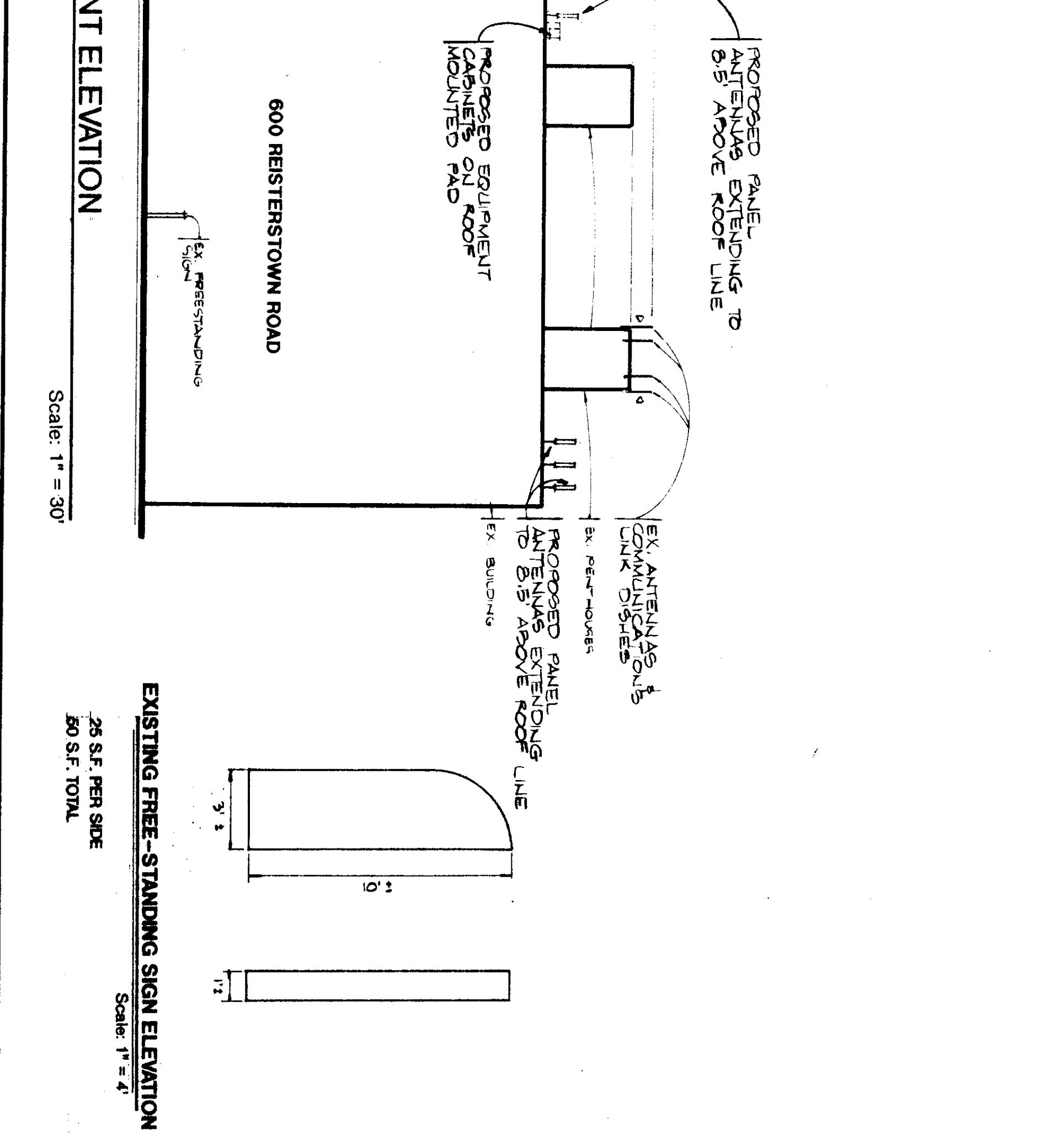
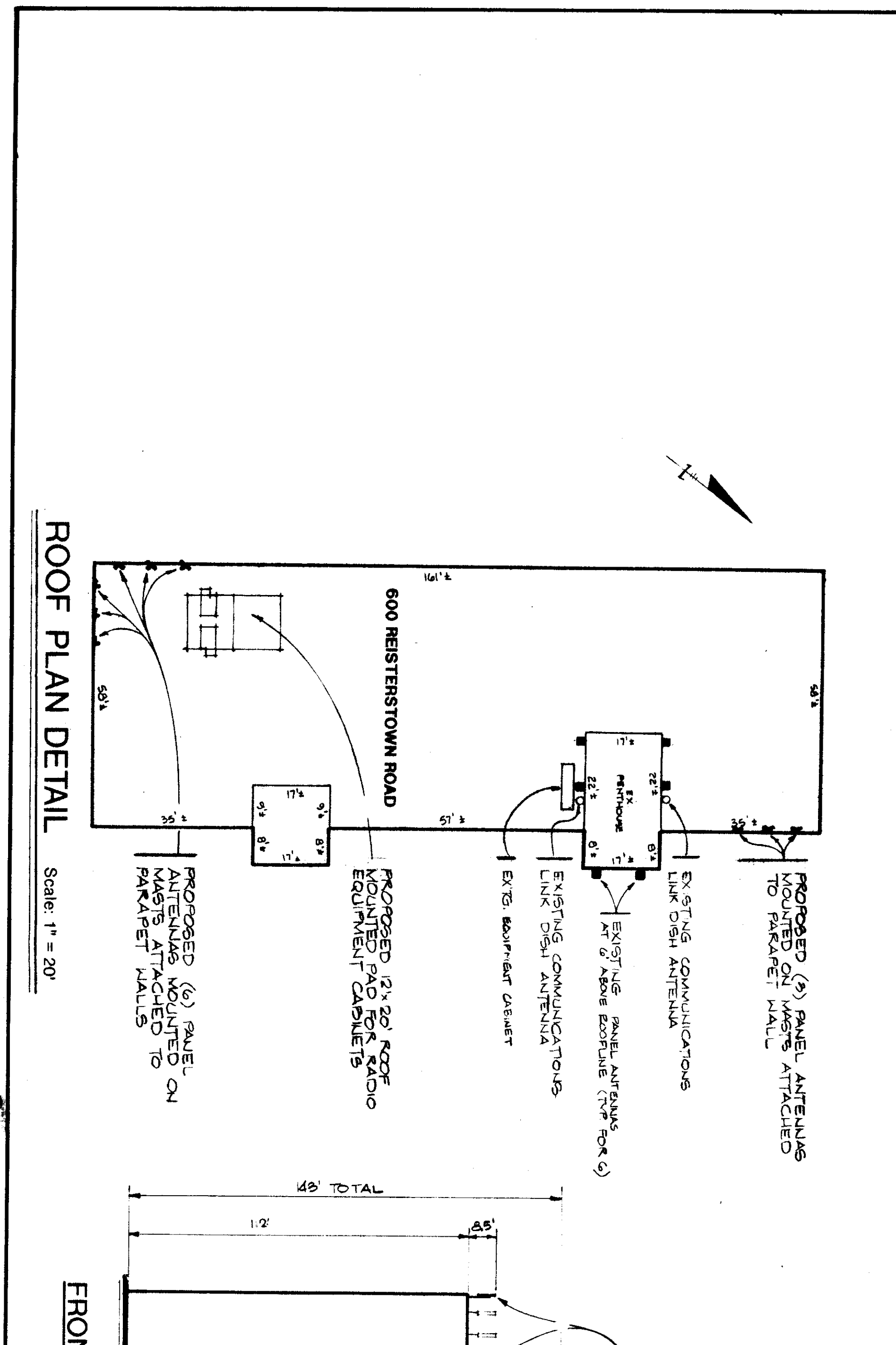


- Vicinity Map**
Scale: 1" = 1000'
- NOTES:**
1. Current owner and street address:
Pikesville Plaza Building Co.
8010 Pikesville Avenue
Baltimore, MD 21204
 2. Contract lessee/
AT&T Wireless Services, Inc.
5400 Convent Road
Shelton, MD 20686
 3. Site area:
0.93 Ac. ±
 4. Existing use:
Commercial/Industrial Offices, Retail Shops,
Off-Street Parking
 5. Street Address:
600 Reisterstown Rd.
Baltimore, MD 21208
 6. Site data:
Tax map 78, block 9, parcel 230
Deed reference: 6645633
Tax account No. 1900011852
Election District: 3
Countryside District: 2
 7. The proposed wireless transmitting and receiving facility will consist of nine panel antennas mounted on a tower structure approximately 85 feet above the main roof, and two equipment cabinets installed on a rooftop pad.
No water or sanitary utilities are required for the facility.
The information and boundary location shown herein have been compiled from sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times. An Environmental Impact Statement will be provided at the hearing.
No additional site or antenna lights are proposed.
 8. Zoning History:
Case # 67-20-XA-SFH: No longer applicable
Case # 69-50-RX: No longer applicable
Case # 74-232-A requested a variance to permit a total of 172 parking spaces in lieu of the required 218 spaces. On May 7, 1974 the Deputy Zoning Commissioner for Baltimore County granted the requested relief.
Case # 95-296-A requested a variance to permit a roof mounted wireless transmitting and receiving facility within 95 feet of an RO Zone in lieu of the required 200 feet. On March 30, 1995 the Zoning Commissioner for Baltimore County granted the requested relief.
Case # 95-319-SFH requested a Special Hearing to permit the use of the premises as a facility with accessory wireless transmitting and receiving antennas. The Deputy Zoning Commissioner for Baltimore County granted the requested relief.
 9. Case # 95-320-SFH requested a Special Exception to permit a service garage providing storage and parking of ambulances and limousines and a Special Hearing to approve an amendment to the site plan and parking variance granted in case No. 74-232-D. On April 10, 1996 the Deputy Zoning Commissioner for Baltimore County granted the requested relief.
There are no signs proposed for this facility.
 10. Floor area ratio:
Total Gross Floor Area - Total Gross Site Area
55,000 sq. ft. ÷ 40,400 sq. ft. = 1.40
 11. Setbacks:
Required: 10' to Building
Provided: 12' ±
Side (Front): 0' ±
Side (Rear): 18' ±
Rear: 20' ±
Amenity open space: N/A
 12. Parking: Existing Spaces: 172
The proposed wireless transmitting and receiving facilities do not block or affect any existing parking spaces.
 13. This site was the subject of the following Commercial Permits:
1152-75: Change of Use to Mercantile
79-74: Change of Occupancy
526-71: Original Permit
 14. Requested Zoning Action: MICROFILMED.
 15. Special Exception pursuant to Section 230.13 to permit a wireless transmitting and receiving facility not permitted by Section 426 in a BL-CS-1 Zone or in the alternative.
Variance from BCZF Section 426, 1B to permit a setback of 75' feet from an RO Zone for a roof-mounted wireless transmitting and receiving facility in lieu of the required 200 feet.

PRINTED
MAY 5 1996
DET. MACQUE WALKER, INC.

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION
AT&T WIRELESS SERVICESSM
Pikesville Plaza Site, B044.2

DMW
DMW Associates, Inc.
A Division of Land Management
Landmark Services, Inc.
200 E. Joppa Road
Joppa, Maryland 21091
(410) 206-5533
Fax: 206-4705



REV	DATE	BY	DESCRIPTION
1	11/01/96		As Shown
2	11/01/96		As Shown
3	11/01/96		As Shown
4	11/01/96		As Shown
5	11/01/96		As Shown
6	11/01/96		As Shown
7	11/01/96		As Shown
8	11/01/96		As Shown
9	11/01/96		As Shown
10	11/01/96		As Shown
11	11/01/96		As Shown
12	11/01/96		As Shown
13	11/01/96		As Shown
14	11/01/96		As Shown
15	11/01/96		As Shown
16	11/01/96		As Shown
17	11/01/96		As Shown
18	11/01/96		As Shown

1 OF 1

Baltimore County, Maryland

3rd Election District